

**BEFORE THE
FEDERAL ELECTION COMMISSION**

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FEDERAL ELECTION
COMMISSION

2016 OCT 24 PM 2:35

Steven D. Barnes

Sanford, FL 32773

Complainant,

OFFICE OF GENERAL
COUNSEL

v:

Rep. John L. Mica
2195 Via Tuscany
Winter Park, FL 32789

MUR # 7162

Mica for Congress and W. Edward Langdon, Treasurer
P.O. Box 181546
Casselberry, FL 32718

Respondents.

COMPLAINT

This complaint is filed under 52 U.S.C. § 30109(a)(1) against Rep. Mica, Mica for Congress (the "Committee") and W. Edward Langdon, in his official capacity as Treasurer (collectively "Respondents") for violating the Federal Election Campaign Act of 1971, as amended (the "Act") and Federal Election Commission (the "FEC" or "Commission") regulations, as described below. Respondents have failed to comply with the Commission's disclaimer requirements for a television advertisement that they have approved and sponsored. As a result, the FEC should immediately investigate and levy appropriate sanctions against Respondents for their failure to comply with basic requirements the Act and Commission regulations.

FACTS

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Rep. Mica is a candidate for Congress in the seventh district of Florida.¹ His principal campaign committee is Mica for Congress.² The treasurer of Mica for Congress is W. Edward Langdon.³ Rep. Mica's Committee has paid for and is airing a television advertisement titled "DC's PERFECT CANDIDATE" in support of his reelection to Congress.⁴ While the advertisement includes an audio disclaimer spoken by John Mica and a written disclaimer at the *beginning* of the advertisement, it does not include a written disclaimer at the *end* of the advertisement. In addition, the written disclaimer fails to include a statement indicating that John Mica has approved the communication.

LEGAL DISCUSSION

Under the Act, whenever a political committee makes a disbursement for the purpose of financing any television advertisement or public communication, there are several disclaimers required.⁵ If the communication is paid for and authorized by a candidate, an authorized committee of a candidate, or agent of either, the communication must contain a disclaimer that clearly states that the communication has been paid for by the authorized political committee.⁶ Such a disclaimer must be presented in a clear and conspicuous manner to give the reader or

¹ John L. Mica, FEC Form 2, Statement of Candidacy, (amended May 24, 2016), *available at* <http://docquery.fec.gov/pdf/126/201605249017285126/201605249017285126.pdf>.

² *Id.*; *see also* Mica for Congress, FEC Form 1, Statement of Organization (amended May 24, 2016), *available at* <http://docquery.fec.gov/pdf/127/201605249017285127/201605249017285127.pdf>.

³ Mica for Congress, FEC Form 1, Statement of Organization (amended May 24, 2016), *available at* <http://docquery.fec.gov/pdf/127/201605249017285127/201605249017285127.pdf>.

⁴ The advertisement can be viewed here: <https://www.youtube.com/watch?v=9t10GJljkzY&feature=youtu.be>.

⁵ 52 U.S.C. § 30120(a); 11 C.F.R. § 110.11(a); *see id.* § 100.26 (defining public communication).

⁶ 52 U.S.C. § 30120(a)(1); 11 C.F.R. § 110.11(b)(1).

observer adequate notice of the identity of the person or political committee that paid for the advertisement.⁷

There are additional disclaimers required for television advertisements. Specifically, a television advertisement that is authorized or paid for by a candidate or the authorized committee of a candidate "must include a statement that identifies the candidate and states that he or she has approved the communication."⁸ The candidate must convey this audio statement either (1) through an unobscured, full screen view of the candidate making the statement or (2) through a voice-over by the candidate accompanied by a clearly identifiable photograph or similar image of the candidate.⁹ Notably, the communication must also include a written statement that identifies the candidate and indicates that he approves the communication, that "must appear in clearly readable writing" *at the end of the advertisement*.¹⁰

Here, Respondents have failed to comply with these basic requirements. The disclaimer rules are designed precisely to ensure the American people are aware of who is sponsoring political advertisements. However, Respondents have completely ignored the requirement to include a written statement at the *end* of the advertisement, and the disclaimer that they provide at the beginning of the advertisement does not satisfy the Act's disclaimer requirements. Specifically, the improperly placed written disclaimer fails to specify that the candidate has approved the communication. These disclaimer violations are clearly against the law.

⁷ 11 C.F.R. § 110.11(c)(1), (3).

⁸ 11 C.F.R. § 110.11(c)(3)(ii).

⁹ 11 C.F.R. § 110.11(c)(3)(ii)(A), (B).

¹⁰ 11 C.F.R. § 110.11(c)(3)(iii).

The Commission requires written and audio disclaimers for television advertisements in order to provide an important notice to viewers regarding the source of political advertisements. To that end, the Act and Commission regulations are clear; Respondents are required to include a written disclaimer at the end of their advertisement. Respondents failed to satisfy this basic requirement, in clear violation of the Act.

REQUESTED ACTION

As we have shown, Respondents have violated the Act and Commission regulations by failing to comply with the written disclaimer requirement. As such, we respectfully request that the Commission immediately investigate this violation and that Respondents be enjoined from further violations and be fined the maximum amount permitted by law.

Sincerely,



SUBSCRIBED AND SWORN to before me this 20th day of October, 2016.

Deborah P. Humenai

Notary Public

My Commission Expires: September 10, 2020



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